

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

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No. 6:19-cv-00407

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**Timothy Nicholas,**  
*Plaintiff,*

v.

**BBVA Compass,**  
*Defendant.*

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Before BARKER, *District Judge*

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**ORDER**

Plaintiff, proceeding *pro se*, filed a complaint against BBVA Compass alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, and other common law claims, on September 10, 2019. Doc. 1. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636(b). Doc. 2. On November 26, 2019, defendant filed a motion to dismiss plaintiff's claims pursuant to Federal Rule of Civil Procedure 12(b)(6). Doc. 4. On January 8, 2020, the magistrate judge issued a report, recommending that defendant's motion be granted and that this action be dismissed without prejudice for failure to state a claim. Doc. 9.

A copy of this report and recommendation was served on defendant via the court's CM/ECF electronic filing system and served on plaintiff via certified mail. Plaintiff acknowledged receipt of the report and recommendation on January 28, 2020. Neither party has objected and the time for doing so has passed. The court therefore reviews the magistrate judge's findings for clear error. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having reviewed the report and recommendation, the court finds no clear error or abuse of discretion and no conclusions contrary to law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc). Accordingly, the

report and recommendation is **adopted** as the opinion of the court pursuant to Fed. R. Civ. P. 72(b)(3). Defendant's motion to dismiss is **granted**. Plaintiff's claims are **dismissed** without prejudice.

*So ordered by the court on February 25, 2020.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge